UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,793	02/29/2000	Damon V. Danieli	MICR0183	1134

27792	7590	07/13/2005

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EXAMINER
ZIA, SYED

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/515,793	DANIELI ET AL.
	Examiner	Art Unit
	Syed Zia	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *12 April 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 8-25, 27-34, and 36-38* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *1-6,8-25 and 27-32* is/are allowed.

6)☐ Claim(s) *33 and 34* is/are rejected.

7)☐ Claim(s) *36-38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All   b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to response filed on April 12, 2005. This office action is

based on the amendments filed on July 06, 2004 i.e. the amendment filed after last non-final

action dated April 21, 2004.

Therefore, original application contained Claims 1-38. Applicant cancelled Claims 7, 26, and

35. Applicant amended claims 1, 3, 14, 33, and 36. The amendment filed have been entered and

made of record. Presently claims 1-6, 8-25, 27-34, and 36-38 are pending.

Response to Arguments

Applicant's arguments, see pages 9-11, filed April 12, 2005, with respect to claims

37,and 38 have been fully considered and are persuasive. The rejection of 37, and 38 has been

withdrawn.

Allowable Subject Matter

1.   Claims 1-6, 8-25, 27-32 are allowed.

2.   Claims 36-38 objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by James et al., U. S.

Patent 6,179,713.

1.   Regarding Claim 33 James teaches and describes a system for enabling a host player to

select one or more other players to participate in playing a multiplayer online electronic game

played using a plurality of electronic devices linked in communication over a communications

network, each of said plurality of electronic devices being operated by a different player and

including:

- a display on which a user interface is implemented (col.8 line 45 to line 59);

- a memory in which a plurality of machine instructions are stored (col.2 line 51 to line

65); and

- a microphone operatively coupled to the electronic device and which produces audio

signals in response to words spoken by a user into the microphone;

- a sound transducer operatively coupled to the electronic device so as to replicate sounds

corresponding to an audio data signal received over the communications network by the

electronic device to which said at least one sound transducer is operatively coupled (col.15 line

50 to line 59);

- a processor coupled to the memory for executing said plurality of machine instructions,

said processor implementing a plurality of functions when executing the machine instructions,

including (col.1 line 15 to line 25):

- enabling the host player to initiate a chat session (col.13 line 3 to line 8);

- enabling the host player to invite one or more other players to join the chat

session, and enabling any of the players who were invited by the host, to be a participant

in the chat session (col.14 line 45 to col.15 line 14); and

- automatically launching an instance of the multiplayer online electronic game on

each electronic device being operated by any player participating in the chat session, said

step of automatically launching being in response to a game initiating action performed

by the host player so that any player participating in the chat session automatically

becomes a participant in the multiplayer online electronic game (col.13 line 10 to line

36).

- employing the microphone, the sound transducer, and the electronic device to enable

each player to transmit voice chat data to all of the other players who have joined the voice chat

session (Fig.5, and col.15 line 50 to line 59).

2.   Claim 34 is rejected applied as above rejecting Claim 33. Furthermore, James describes

system and method of on-line messaging to facilitate users to select participants, wherein:

- the host player is a member of an online messaging service that enables the host player

to build a player contact list of one or more players with whom the host may desire to play

multiplayer online computer games, and wherein execution of the plurality of machine

instructions further implements the functions of: (a) obtaining the player contact list from the

online messaging service, and (b) displaying the player contact list to the host player (col. 14 line

35 to line 62); and (c) enabling the host player to select one or more players to participate in the

multiplayer online electronic game from the player contact list (col.8 line 29 to line 36).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sz.

June 27, 2005